

Patent
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

) Group Art Unit:

James Hoch et al.

) Examiner:

Serial No.: To Be Assigned

Filed: Herewith

For: METABOLIC SELECTION METHODS



INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In compliance with the Applicants' duty under 37 CFR 1.97-98, the following information is brought to the attention of the Examiner. Copies of items listed on the attached Form PTO-1449 were cited and/or provided in parent application number 09/172,952 filed October 14, 1998.

The items identified in this Information Disclosure Statement may or may not be "material" pursuant to 37 CFR 1.56 and the submission thereof by Applicants shall not be construed as an admission that any such patent, publication or other information referred to therein is material or

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(37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

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considered to be material (37 CFR 1.97(h)), or even qualifies as "prior art" under 35 U.S.C. § 102 with respect to this invention unless specifically designated by Applicants as such.

The filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information, as defined in 37 CFR 1.56, exists.

This Information Disclosure Statement is believed to be timely in that it is being submitted under 37 CFR 1.97(b) (3) before the mailing of a first Office Action on the merits, whereby no petition or fee is required. However, if counsel for Applicant is in error in this regard, the Commissioner is requested to consider this a petition and he is authorized to charge any required petition fee to counsel's Deposit Account No. 12-2475.

Respectfully submitted,

LYON & LYON LLP

Dated: 4/25/00

By:



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